

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 5/2/14

May 2, 2014

Attn: Hon. Justice Gregory H. Woods
Southern District of New York
500 Pearl Street, Room 2260 (Courtroom 9A)
New York, NY 10007
TEL: (212) 805 – 0296
EMAIL: WoodsNYSDChambers@nysd.uscourts.gov

**RE: REQUEST for EXTENSION of TIME for PLAINTIFF’S RESPONSE to
PARTIAL MOTION to DISMISS by AUSA MICHAEL BYARS
and MOTION to DISMISS by JOHN MURTAGH, ESQ.**

Case: Wesam El-Hanafi v. USA et al.
Case No.: 13 CV 2072 (GHW) (AJP)

Honorable Judge Woods:

This office represents plaintiff Wesam El-Hanafi in the captioned civil action.

I write pursuant to the courts Individual Practices, Rule 1E.

I am requesting an extension of time to respond to two motions. The first is a Motion for Partial Dismissal served by Assistant United States Attorney Michael Byars on our office on March 28, 2014. The second motion is Motion to Dismiss served on our office by John Murtagh of Gaines, Novick, Ponzini, Cossu & Venditti, LLP, on behalf of Correct Care Solutions. Plaintiff’s response to both motions is presently due on May 12, 2014.

Previously, Mr. Murtagh was granted an extension of one month by the Hon. Paul A. Crotty due to being called to trial. At the time Mr. Murtagh’s motion for the extension was granted by the court, the schedule for our office and AUSA Byars was modified. Mr. Byars was granted an additional two weeks to submit his Motion for Partial Dismissal and our office was granted an additional two weeks to respond. Mr. Byars served his motion on March 28th and Mr. Murtagh served his motion on April 14, 2014. After the modification, plaintiff’s response to both motions was and remains due on May 12, 2014.

Mr. Murtagh requested an a second extension on April 8, 2014, for their motion due on April 14, 2014. The request made was for an extension of time until April 28, 2014. The court denied this request, noting the first extension had been sought and obtained and reminding the parties to comply with Rule 1(A) which requires the requesting party to indicate whether the adversary consents.

Our office has a matter before the Hon. Alvin K. Hellerstein in which the court granted an Order of Default Judgment on January 17, 2014. On March 21, 2014, we were served with a Motion to Set Aside the Default Judgment. The attorneys were not able to agree on a motion schedule in this case. Because of my engagement with motion practice in the El-Hanafî case, I had requested a due date in early June for plaintiff's reply. Opposing counsel felt such a date was too long. The attorney's then addressed Judge Hellerstein with individual requests for due dates. On April 4, 2014, the court ordered that Plaintiff's motion be filed by May 2, 2014, with reply by opposing counsel on May 9, 2014, and oral argument set for May 12, 2014.

On roughly April 15th, I was compelled to stop work on my response to Mr. Byars' motion and focus my attention on the matter before Judge Hellerstein.

Timely service will be effected on matter pending before Judge Hellerstein on May 2, 2014, I will review the Reply of opposing counsel on May 9, 2014, and appear for oral argument at 2:30 PM on May 12, 2014.

I was overly optimistic about my ability to handle the work load I have set forth. As a sole practitioner, I have already arranged support from other attorneys willing to cover my appearances in ongoing criminal cases. I am requesting that the court extend the time for my response to the two motions until June 9, 2014 or alternatively June 6, 2014. With the court's consent, replies by opposing counsel would be due on June 27, 2014 or alternatively June 24, 2014. The times indicated have been approved by opposing counsel. This is plaintiff's first request for an extension of time.

Please forgive the length of this letter.

Mr. Byars and Mr. Murtagh, through his colleague Denise Cossu, Esq., have consented to my request.

Thanking you for your review and consideration, I am yours

Respectfully,

/s/

Jake Harper, *Attorney for Plaintiff*